

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re application of: Holcomb, et al.

Application No.: 09/815,376

Filed: March 21, 2001

For: COMBINATION DIFFERENTIAL
AND ABSOLUTE PRESSURE
TRANSDUCER FOR LOAD LOCK
CONTROL

Attorney Docket No.: 16458-050

Group No.: 3634

Examiner: Gregory J. Strimbu

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Commissioner of Patents
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Alexandria, VA 22313-1450

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INFORMATION DISCLOSURE STATEMENT

Enclosed is a Declaration of Matthew Taylor, a Key Accounts Manager for the assignee, MKS Instruments, Inc., relating to joint development efforts and experimental testing and modifications of prototypes of the invention in the above-referenced patent application more than one year prior to the provisional patent application (Application No. 60/191,223) filing date of March 22, 2000, for this invention. The applicant believes such pre-March 22, 1999, activities constitute experimental use under the thirteen factors enunciated by the U.S. Court of Appeals for the Federal Circuit in *Allen Engineering Corporation v. Bartell Industries, Inc.*, 299 F.3d 1336, 63 U.S.P.Q. 2d (Fed. Cir. 2002), thus did not involve a commercial offer for sale under 35 U.S.C. § 102(b). The applicant also believes that the invention was not yet reduced to practice, shown to be suitable for its intended purpose, or ready for patenting prior to March 22, 1999. If the examiner has any questions in this regard, please contact applicant's attorney at the telephone number listed below.

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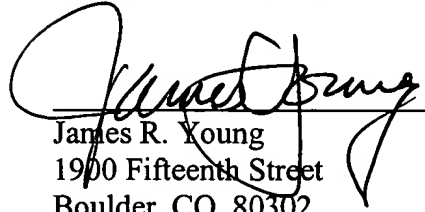
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Respectfully submitted,

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Date: 9/24/03


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